

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

NOVUS FRANCHISING, INC.,

Civil No. 12-529 (JRT/JJG)

Plaintiff,

v.

ORDER ON STIPULATIONS

MICHAEL L. DAWSON,

Defendant.

James M. Susag and Susan E. Tegt, **LARKIN HOFFMAN DALY & LINDGREN LTD**, 7900 Xerxes Avenue South, Suite 1500, Minneapolis, MN 55431; and Kay Nord Hunt, **LOMMEN, ABDO, COLE, KING & STAGEBERG, PA**, 80 South Eighth Street, Suite 2000, Minneapolis, MN 55402, for plaintiff.

Michael L. Dawson, 10501 Runnymede Drive, Glen Allen, VA 23059,
pro se.

This matter is before the Court on two stipulations of the parties. The parties have stipulated to the dismissal of this case with prejudice. (Stipulation, Oct. 8, 2013, Docket No. 90.) The parties have also jointly requested that the Court vacate its August 20, 2013 Memorandum Opinion and Order, which rejected in part the Magistrate Judge's March 15, 2013 Report and Recommendation and denied Plaintiff's motion to dismiss Defendant's counterclaims. (Mem. Op. & Order, Aug. 20, 2013, Docket No. 84; Stipulation, Oct. 8, 2013, Docket No. 91.)

IT IS HEREBY ORDERED THAT

1. Pursuant to the stipulation of the parties [Docket No. 90], Plaintiff's claims against Defendant and Defendant's counterclaims against Plaintiff are **DISMISSED with prejudice**, each party to bear its own costs and attorneys' fees.

2. Pursuant to the stipulation of the parties [Docket No. 91], the Court's Memorandum Opinion and Order on Report and Recommendation of the Magistrate Judge [Docket No. 84] is **VACATED**.

DATED: October 18, 2013
at Minneapolis, Minnesota.

s/John R. Tunheim
JOHN R. TUNHEIM
United States District Judge